

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION**

Dean S. Oberg,)	
)	
Plaintiff,)	ORDER ADOPTING REPORT
)	AND RECOMMENDATION
vs.)	
)	Case No. 4:08-cv-089
United States Navy and)	
Veterans Administration,)	
)	
Defendants,)	

On October 21, 2008, the plaintiff, Dean S. Oberg, filed a petition to proceed in forma pauperis in the above-entitled action pursuant to 28 U.S.C. § 1915. See Docket No. 1. The Court granted the motion on December 4, 2008. See Docket No. 2. Oberg filed a complaint on December 4, 2008. See Docket No. 3. As the basis for his complaint, Oberg alleges,

On November 28, 1975, I was ordered (with another sailor) to remove (carry) a 50 gal. wet garbage container off the USS John Paul Jones, at San Diego, CA. The sailor helping me dropped, let-go of his carrying (sic) handle and the container fell on me almost crushing my left foot and injuring me with 2 fractured (4 and 5) vertebrae, pulled nerves, muscles, ligaments to my back and spine, which has left me permanently disabled with chronic pain plus many other health problems physically and mentally. I was refused medical hospitalization!

See Docket No. 3. In the “administrative procedures” section of the complaint, Oberg makes vague references to a Department of Veterans Affairs proceeding on June 7, 2001, and a Social Security Disability Insurance proceeding on May 23, 2005. See Docket No. 3. Oberg seeks relief in the form of compensation for medical services, pain and suffering, mental anguish, and discrimination; lost income for thirty-three years’ of unemployment; and \$3,000,000 “in settlement money to be deposited in my choice of bank, savings account.” See Docket No. 3

Magistrate Judge Charles S. Miller, Jr., reviewed Oberg’s complaint and submitted a Report and Recommendation on December 4, 2008, recommending dismissal of the complaint for failure

to state a claim upon which relief can be granted. See Docket No. 4. Oberg was given ten (10) days to file an objection to the Report and Recommendation.

Oberg filed an objection to the Report and Recommendation on December 8, 2008. See Docket No. 6. Oberg contends that a dismissal of his complaint would violate his civil rights and that pending “there is a challenge in Congress, that, it is unconstitutional for the United States government, to denie (sic) a veteran the right to sue the federal government and military for malpractice.” See Docket No. 6. Oberg filed a supplement to his objection on December 9, 2008. See Docket No. 7.

The Court has carefully reviewed the Report and Recommendation, relevant case law, and the entire record and finds the Report and Recommendation to be persuasive. Accordingly, the Court **ADOPTS** the Report and Recommendation (Docket No. 4) in its entirety and **DISMISSES** Oberg’s complaint (Docket No. 3) with prejudice.

IT IS SO ORDERED.

Dated this 15th day of December, 2008.

/s/ Daniel L. Hovland
Daniel L. Hovland, Chief Judge
United States District Court